



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**  
**Office of Legal Counsel**

P.O. BOX 305 • LAPWAI, IDAHO 83540-0305 • (208) 843-7355  
FAX (208) 843-7377

May 29, 2019

**Sent via Mail and Email to: [kercheval.stephanie@epa.gov](mailto:kercheval.stephanie@epa.gov)**

Ms. Stephanie Kercheval, R10 FOIA Officer  
U.S. Environmental Protection Agency  
Office of Regional Counsel  
Multi-Media Unit 1, FOIA Team  
1200 Sixth Avenue, Suite 155, M/S 11-C07  
Seattle, WA 98101-3123

***Re: Freedom of Information Act Request***

Dear Ms. Kercheval:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 et seq., the Nez Perce Tribe (Tribe) requests the following information:

All communications with Midas Gold Corporation, it's contractors, attorneys or affiliated companies (Midas Gold Idaho, Inc., Midas Gold Corp., Idaho Gold Resources Company, LLC, or Stibnite Gold Co.) regarding regulation of the Stibnite Mine area under CERCLA, including issuance of any CERCLA remediation or removal orders. Communications shall include all emails, voice mails, correspondence of any kind, text messages, and all other forms of written or electronic communication between EPA Region 10 or EPA HQ and one of the above-named Midas Gold entities or their representatives. This FOIA is limited to the time period January 1, 2018 to the present.

The request encompasses all documents and records, whether in draft or final form, in the possession of the EPA, regardless of whether the documents or records were produced by employees or contractors of the EPA. This request includes but is not limited to communication

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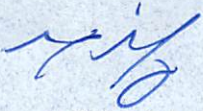
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from or to the following EPA officials: Andrew Wheeler, David Ross, Lee Forsgren, David Fotouhi, E. Scott Pruitt, Anna Wildeman, Christopher Hladick, and Dan Opalski.

The Tribe requests a fee waiver under the FOIA, 5 U.S.C. § 552(a)(4)(A)(iii). The Tribe has no commercial interest in the requested information. The requested information is pertinent to governmental issues concerning EPA's administration and oversight of Stibnite Mine activities located within the Tribe's aboriginal territory. As such, the information will "contribute significantly to public understanding of the operation or activities of the government."

If you deny all or any part of this request, please cite each specific exemption that justifies your refusal to release the information and notify the Tribe of appeal procedures available under the law. Please contact me with any questions regarding this request at (208) 843-7355 or [mlopez@nezperce.org](mailto:mlopez@nezperce.org). Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Lopez", is positioned above the typed name.

Michael A. Lopez  
Senior Staff Attorney